

COMPLAINT TO THE MASSACHUSETTS COMMISSION ON JUDICIAL CONDUCT, MASSACHUSETTS SUPREME JUDICIAL COURT, AND THE GOVERNOR OF COMMONWEALTH OF MASSACHUSETTS REGARDING THE UNLAWFUL BEHAVIOR OF JUSTICE MICHELE SRAGOW AND CAMBRIDGE DISTRICT ATTORNEY, RAQUEL FRISARDI

KAVEH L. AFRASIABI, Ph.D.

April 14, 2016

To: **Howard V. Neff, III**
Executive Director
Commission on Judicial Conduct
11 Beacon Street, Suite 525
Boston, MA 02108

To Whom It May Concern:

I write this letter to demand disciplinary action against Cambridge District Court Justice Michele Sragow and Assistant District Attorney Raquel Frisardi, for their unlawful and unconstitutional behavior of subjecting me to 50 days incarceration solely on the basis of an unpublished email sent by me, exercising my 1st Amendment rights. This abhorrent miscarriage of justice was fortunately reversed by the Massachusetts Appeals Court, which found in my favor and agreed that I had exercised my constitutional rights and had not violated any law or statutes of the Commonwealth of Massachusetts. The conduct complained of herein meets the standard regarding judicial misconduct set by the Supreme Judicial Court, Rule 3:09.

Although I was immediately released following the landmark Appeals Court decision cited above, I still carry the scars of the wrongful incarceration which entailed confinement inside a tiny cell 21 hours a day, not to mention the torturous experience of oxygen deprivation when deliberately left inside a small cubicle in the back of a transportation vehicle for nearly 4 hours on November 13, 2015.

I ask: In what free and democratic country is one subjected to such horrendous human rights abuses, dispatched to jail with impunity over an unpublished email that did not threaten any one, did not name any one, and was simply a paragraph-long criticism of the unjust legal system? As the single justice of the Appeals Court concurred, I have the right to criticize the criminal proceedings against me and this should have been amply apparent to both the judge and the DA in question, who saw fit to deprive me of my liberty in a flagrant disregard for the US

Constitution. Stern disciplinary action against both Judge Sragow and DA Frisardi is therefore called for, in the interest of maintaining the integrity of the US Justice system in this great Commonwealth.

As a political scientist who has taught at Boston University, Northeastern University, Bentley University, and who has done post-doctoral research at Harvard University, who is the author of a dozen books and numerous scholarly articles including in Harvard International Review, Harvard Theological Review, UN Chronicle, as well as 13 oped articles in Boston Globe since 1991, 8 oped articles in New York Times, 7 articles in San Francisco Chronicle, among others, not to mention dozens of TV appearances as a Middle East expert on CNN, PBS, BBC, Voice of America, Canadian television, etc., I am truly aghast by the incredible lack of courtesy and boundless animosity shown toward me by judge Sragow and DA Frisardi, reflected in their callous disregard for my civil, human, and constitutional rights, resulting in my wrongful detention. Certainly, I would not have suffered this indignity if I were not a first generation Iranian-American immigrant and a Muslim. This abominable total disregard for my constitutional rights should not be overlooked by either the Commission on Judicial Conduct or the honorable justices of the SJC, or the respected Governor of this Commonwealth, who must defend the constitutional rights of all the commonwealth's residents irrespective of their backgrounds. As a Massachusetts resident since the early 1970s, graduate of Thayer Academy, class of 1976, I demand the full investigation of the unlawful behavior of the judge and the DA that, if unchecked, will likely result in further violations of my constitutional rights in the future.

Sadly, this is not the first time that judge Sragow has turned a blind eye to the requirements of equal justice and subjected me to unlawful punishment. In November, 2013, I was held for three days simply because I exercised my constitutional rights and wrote a letter to a person who had falsely accused me of harassment by citing all the proof of her lies and warning of a law suit if she did not apologize. That particular person had been publicly deemed by the Cambridge DA as not a witness in an on-going harassment case that ended in my favor and I was fully exonerated. In fact, I have acted on my warning and sued my false accusers, who were used as patsy by Cambridge police in order to incriminate me. Those accusers have now settled with me out of court and submitted a "letter of apology."

Yet, there has been no similar apology from the vicious, racist, and malicious Cambridge District Attorney's Office that parroted the lies against me for three years without a pause. Any decent DA would have brought criminal charges against the people who made false criminal reports against me, instead of adding to their past mistakes by subjecting me to yet another wrongful imprisonment solely and exclusively on the basis of a paragraph-long email to the MIT linguist Noam Chomsky.

Justice Sragow, who similarly turned a blind eye to the irrefutable evidence of frivolous complaint against me in 2013 and ordered my arrest because I had sent a "intent to sue" letter to my false accuser, has now complied a big dossier in abusing my human rights and, therefore,

ought to be immediately removed from my pending case and subjected to thorough disciplinary investigation.

Freedom of speech is a crowning achievement of American democracy and to put someone in jail because he has dared to question the biased, racist, and discriminatory legal system without threatening anyone is a serious affront to the fundamental principles of the US Constitution, which sets the United States apart from a dictatorship. I demand immediate disciplinary action against judge Sragow and DA Frisardi as a victim of these two individuals' (Islamophobic) abuse of their official capacities as judicial officers of the Commonwealth of Massachusetts.

In conclusion, accompanying this complaint are the following documents:

1. Motion of Commonwealth to order my pre-trial detention on the ground of my email to professor Chomsky;
2. The decision of Massachusetts Appeals Court reversing the Cambridge District Court's granting the Commonwealth's motion;
3. My email to professor Chomsky;
4. Samples of my publications.

Respectfully Submitted,



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CC: Justice Sragow, DA Frisardi; chief justice, SJC; Massachusetts Governor.